

## **REMARKS**

### **Restriction Requirement**

The January 10, 2008 Office Action requests election of one of the following groups of claims under 35 U.S.C. 121 and 372:

Group I (Claims 236-274) drawn to a method of producing heterologous polypeptide and a recombinant DNA used by the method and the transgenic plant comprising the recombinant DNA;

Group II (Claims 275-279) drawn to a vector used for inserting heterologous gene in antisense orientation;

Group III (Claims 280-291) drawn to a recombinant RNA and the transgenic plant comprising the recombinant RNA;

Group IV (Claims 292-293) drawn to a recombinant RNA complement to the recombinant RNA of Group III.

Group V (Claims 294-306) drawn to a recombinant DNA or a kit used for constructing the recombinant DNA of Group II.

### **Election**

Applicant elects Group I (Claims 236-274).

### **Election of Species Requirement**

The January 10, 2008 Office Action further requires a single disclosed species from the following:

Species I: one of the polypeptides listed in Claims 240, 263, 281, 293 and 297; and

Species II: one of the IRES listed in Claims 241, 264, 282 and 298.

**Election of Species**

Applicant elects an enzyme as Species I. Elected claims reading on this species are Claims 236-274. Applicant further elects the turnip mosaic potyvirus IRES of Species II. Elected Claims reading on this species are Claims 236-264 and 266-274.

**Conclusion**

Applicant submits that a complete and responsive reply to the election of species has been made and that all pending claims are patentable. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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Dated: February 8, 2008  
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